IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.8028 OF 2005

1. Kishor Hanmant Sathe & Anr. ...Applicants
Vs.
The State of Maharshtra ...Respondent

Shri U.R. Agandsurve for the Applicant.
Shri K.V. Saste, A.P.P. for the Respondent.

CORAM : S.C. DHARMADHIKARI, J.
DATE : DECEMBER 21, 2005.

P.C.:

1. Mr Agandsurve, appearing for the Applicants does not press this Application so far as the Applicant No.2 is concerned.

2. However, it is his case that after the statements of the injured witness (complainant) and two other eye-witnesses are perused, it is clear that it is the second Applicant who has allegedly assaulted the complainant with knife and inflicted the serious injuries. As far as the first Applicant is concerned, all that is alleged is that he caught hold of the complainant, pushed him to the ground and was beating him by hands while other pulled out knife and inflicted injuries. The statement of the other eye-witness Pandurang shows that the Applicant No.1 upon noticing Pandurang in the vicinity ran away from the site. Even the knife used in the incident has

been recovered at the instance of the second Applicant. As far as the first Applicant is concerned, there are no antecedents. His Application for being enlarged on bail, therefore, can be considered by imposing stringent conditions, more so, after investigations are complete and chargesheet has been filed.

3. Hence, the following order:

: O R D E R :

i) The Applicant No.1 Kishor Hanmant Sathe shall be enlarged on bail in connection with **C.R.No.89 of 2005 of Taluka Police Station, District Solapur,** subject to furnishing a personal bond of **Rs.05,000/- (Rupees Five Thousand Only)** with one surety in the like amount.

ii) The Bail is granted subject to condition that the Applicant No.1 shall not enter the limits of village Bibidarphal, Taluka Uttar Solapur, District Solapur till the trial commences.

iii) The Bail is granted subject to condition that the Applicant No.1 shall attend the concerned Police

Station once in a week.

iv) The Bail is granted subject to condition that the Applicant No.1 shall not, directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with the prosecution evidence.

v) The Applicant No.1 shall co-operate with the learned Trial Judge for expeditious disposal of the trial. Any attempt by the Applicant to delay the trial may be a ground for cancellation of bail.

vi) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

vii) Application is disposed of in above terms.

viii) The parties to act upon an authenticated copy of this order.

JUDGE